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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,885	08/23/2001	Jin Lu	US010363	1370

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EXAMINER	
LONSBERRY, HUNTER B	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/935,885	LU, JIN	
	Examiner	Art Unit	
	Hunter B. Lonsberry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *22,23,28-32 and 37-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *22,23,28-32 and 37-50* is/are rejected.

7)☒ Claim(s) *28* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that neither Tracton nor QuickTime Showcase teaches a browser that access multiple Internet address to provide sequential images corresponding to broadcast channels as claimed in claim 39 (page 10).

The Examiner disagrees. Traction discloses a scalable MPEG system in which a client device (pc, cell phone, laptop etc) with a browser transmits its bandwidth and processor capabilities along with a request for a video stream via an Internet connection to a web server, the appropriate version is then selected and transmitted via the Internet to the device (column 4, lines 14-62, column 6, line 44-column 7, line 34).

Tracton fails to disclose a server with multiple Internet addresses each address corresponding to an associated broadcast channel.

QuickTime Showcase discloses a webpage with a number of hyperlinks to TV channels, such as BBC world and WGBH each with an associated web server with a web address, which enables a user to watch a variety of programming from around the world by selecting different links.

Therefore, it would have been obvious to one skilled in the art at the time to invention to modify Tracton to utilize a number of broadcast signals, a plurality of

surfing signals which are accessed via a plurality of Internet address which facilitate selective reception of each signal, as taught by QuickTime Showcase, for the advantage of providing an easy way for a user to watch a variety of programming from around the world.

Claim Objections

2. Claim 28 is objected to because of the following informalities: Claim 28 is dependent on canceled claim 27. The examiner has examined claim 27 as though it was dependant on claim 22. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 22-23, 28, 30-32, 37, 42-44, and 46-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S. Patent 6,804,827 to Furukawa, U.S., Patent 6,536,043 to Guedalia and U.S. Patent 7,051,357 to Carr.

Regarding claims 22, 28, 31, 37, and 47-48 van der Schaar discloses a method of facilitating broadcast channel surfing comprising:

Receiving current broadcast signals from at least one broadcast channel (column 5, line 56-column 6, line 8, data received via TV antenna) the broadcast signals configured to enable viewing of video information at a first quality level (default quality level received prior to selection of a streaming rate, column 5, line 67-column 6, line 4)

Processing the broadcast signals into surfing signals (column 6, lines 5-14, 49-61, column 8, line 16-33, the video is then encoded into mpeg signals with a base and enhancement layer)

Broadcasting the surfing signals substantially concurrent in time with the corresponding broadcast signals that are being broadcast from at least one broadcast channel to enable viewing of the surfing signals at a remote device at a time of surfing that is not substantially different from a time of broadcasting (column 6, lines 7-29).

While van der Schaar does disclose encoding a base and enhancement layer, van der Schaar is silent regarding whether or not the corresponding video information is substantially poorer than the first quality level, receiving and processing a plurality of current broadcast signals to enable channel surfing of the signals.

Furukawa discloses an audiovisual adjustment system which adjusts a plurality of programs so that they have similar settings utilizing the MPEG2 standard (column 4, lines 27-65, column 7, lines 54-65), which are then output to a router (figure 3), thus providing the advantage that all the signals have common audio (gain settings), video (chrominance) characteristics (column 6, line 24-column 7, line 32) so that a user does

not experiences incongruities when changing the channel to one provided from a different provider (column 2, lines 8-27).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify van der Schaar to adjust the audio and video settings as taught by Furukawa for the advantages of ensuring that a user does not experiences incongruities when changing the channel to one provided from a different provider (column 2, lines 8-27).

The combination of van der Schaar and Furukawa is silent regarding whether or not the corresponding video information is substantially poorer than the first quality level and channel surfing of the plurality of signals.

Guedalia discloses a scalable video delivery environment in which video are streamed to a user in compressed form (reduced quality) dependant upon a user's bandwidth, the user receives the optimum version of the video for playback that their bandwidth can accommodate (column 20, line 27-column 21, line 19, column 22, line 45-column 23, line 49).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of van der Schaar and Furukawa utilize the streaming functionality based upon bandwidth, as taught by Guedalia, for the advantage of providing the optimum video quality to a remote user that their bandwidth can accommodate.

The combination of der Schaar, Furukawa and Guedalia does not disclose surfing a plurality of signals, but does disclose the use of IP transport of video.

Carr discloses the use of IP Multicasting to transmit a plurality of MPEG 2 formatted channels with supplemental information over an IP network (column 3, lines 9-45, column 7, lines 24-60,), for the advantage of providing additional information about a program to a user and saving bandwidth through the use of IP Multicasting.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combination of der Schaar, Furukawa and Guedalia to utilize the supplemental content and IP Multicasting features as taught by Carr, for the advantage of providing additional information about a program to a user and saving bandwidth through the use of IP Multicasting.

Regarding claims 23 and 32, Guedalia is relied upon to teach providing substantially continuous access to the surfing signals at one or more Internet addresses (column 28, line 4-44).

Regarding claims 30 and 50, Guedalia is relied upon to teach that the video may be set to be encoded at lower rates than 30fps (column 20, lines 53-56).

Regarding claims 28, 43-44 see claim 42.

Regarding claim 46, Guedalia is relied upon to teach that the surfing signals us substantially less bandwidth than the broadcast source (column 20, line 35-56).

4. Claims 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S. Patent 6,804,827 to Furukawa, U.S., Patent 6,536,043 to Guedalia, and U.S. Patent 7,051,357 to Carr in further view of U.S. Patent 6,470.378 to Tracton.

Regarding claim 45 van der Schaar discloses streaming live broadcasts.

The combination of van der Schaar, Furukawa, Guedalia and Carr fails to disclose surfing signals, which are configured to facilitate reception via a portable device.

Traction discloses a scalable MPEG system in which a client device (pc, cell phone, laptop etc) transmits its bandwidth and processor capabilities, the appropriate version is then selected and transmitted via the Internet to the device (column 4, lines 14-62, column 6, line 44-column 7, line 34), thus providing a user a convenient way to access content wirelessly.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of van der Schaar, Furukawa, Guedalia and Carr to utilize the polling features and mobile phone features of Tracton for the advantage of distinguishing the most appropriate content version for a user's device and providing a convenient way for a user to access content.

5. Claims 29, 38 and 49, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S. Patent 6,804,827 to Furukawa, U.S., Patent 6,536,043 to Guedalia, and U.S. Patent 7,051,357 to Carr in further view of U.S. Patent 6,986,158 to Terui.

Regarding claim 29, van der Schaar discloses streaming live broadcasts.

The combination of van der Schaar and Guedalia fails to disclose identifying key frames in the source signals and forming the surfing signals from the key frames.

Terui discloses an error monitoring system in which when a user has an intolerable amount of errors only the I frames are transmitted to the user (figures 18-20, column 11, line 64-column 13, line 21), thus ensuring a user can view a video stream properly.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of van der Schaar and Guedalia to utilize the error monitoring and forced intraframes coding features of Terui, for the advantage of ensuring a user can view a video stream properly.

6. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of http://web.archive.org/web/19990508141539/http://www.apple.com/quicktime/showcase/live/ (QuickTime Showcase).

Regarding claim 39, Traction discloses a scalable MPEG system in which a client device (pc, cell phone, laptop etc) with a browser transmits its bandwidth and processor capabilities along with a request for a video stream via an Internet connection to a web server, the appropriate version is then selected and transmitted via the Internet to the device (column 4, lines 14-62, column 6, line 44-column 7, line 34).

Tracton fails to disclose a server with multiple Internet addresses each address corresponding to an associated broadcast channel.

QuickTime Showcase discloses a webpage with a number of hyperlinks to TV channels, such as BBC world and WGBH each with an associated web server with a web address, which enables a user to watch a variety of programming from around the world by selecting different links.

Therefore, it would have been obvious to one skilled in the art at the time to invention to modify Tracton to utilize a number of broadcast signals, a plurality of surfing signals which are accessed via a plurality of Internet address which facilitate selective reception of each signal, as taught by QuickTime Showcase, for the advantage of providing an easy way for a user to watch a variety of programming from around the world.

Regarding claim 40, Tracton discloses that there may be multiple versions of video scaled to meet client characteristics, an unscaled MPEG2 news broadcast may be re-encoded into a form as needed for a lower capability device (column 7, line 1-53).

Regarding claim 41, Tracton discloses that the images may be encoded at lower quality settings (column 4, line 36-49).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HBL

Hunter B. Lonsberry
Patent Examiner
Art Unit 2623